

Petty Sessions (Ireland) Bill.

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17 February 1857. 20 Viet.



(Ireland.)

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B I L L

TO

Authorize the Payment of Clerks of Petty Sessions
in Ireland by Salaries instead of Fees, and to
amend "The Petty Sessions (Ireland) Act,
1851."

WHEREAS it is expedient to authorize the Payment of Preamble.
Clerks of Petty Sessions in Ireland by Salaries instead
of Fees, and to amend "The Petty Sessions (Ireland) Act,
1851;" Be it therefore enacted by the Queen's most Excellent
5 Majesty, by and with the Advice and Consent of the Lords Spiritual
and Temporal, and Commons, in this present Parliament assembled,
and by the Authority of the same, as follows :

I. In the Construction of this Act, the following Words and Interpreta-
tion of
Terms.
Expressions shall, if not inconsistent with the Context, have the
10 Meanings herein-after assigned to them ; (that is to say,) the Words
"Lord Lieutenant" shall include any other Chief Governor or
Governors of Ireland ; the Word "District" shall mean Petty Sessions
District ; the Word "Clerk" shall mean Petty Sessions Clerk ; the
Word "Justice" shall mean Justice of the Peace, and shall include
15 the Chief Magistrate for the Time being, or the Borough Justices of
any Corporate Towns ; "Treasurer of the County" shall, as regards
the County of Dublin, mean the Finance Committee, or Secretary of
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the Grand Jury, as the Case may be; "half-yearly," when used with reference to Presentments to be made under this Act, shall, as regards the County of Dublin, be understood to mean yearly; and "Assizes," as regards the County of Dublin, shall be held to mean Presenting Term.

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Short Title. II. This Act may be cited for all Purposes as "The Petty Sessions (Ireland) Amendment Act, 1857."

Commencement of Act. III. This Act shall, except in Cases where it is otherwise expressly provided, come into operation on the *First Day of January One thousand eight hundred and fifty-eight*

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Justices at Petty Sessions may inquire into Duties of Petty Sessions Clerks, and Amount of Fees received by them, and may recommend that they be paid by Salaries in Lieu of Fees, and may fix Amount of Salaries subject to Approval of Lord Lieutenant.

IV. The Justices at each Petty Sessions in Ireland may from Time to Time inquire into the Nature of the Duties of the Clerk of such Petty Sessions, and of all Fees and Emoluments received by such Clerk in respect of his Office, and of any Disbursements made thereout or Charges affecting the same, in each of the *Three Years* next preceding such Inquiry, and may recommend to the Lord Lieutenant that such Clerk shall be paid such annual Salary in lieu of Fees and other Payments as to them shall seem fit, regard being had to the Extent of the Duties of such Clerk; and every such Recommendation, being accompanied by a Statement of the Amount of Fees received at such Petty Sessions during each of the *Three Years* then next preceding, as nearly as the same can be ascertained, and being signed by a Majority of the Justices then present, shall be transmitted to the Lord Lieutenant: Provided always, that *Fourteen Days* Notice at the least shall be given at some previous Petty Sessions of the Day on which the Justices are to meet at Petty Sessions to consider such Matter, and a Notice to the like Effect shall be published in some Newspaper circulating in the County, and shall be served upon every Justice within such Petty Sessions District *Seven Days* at the least previous to such Meeting, either by delivering the same personally to such Justice, or by leaving the same at or transmitting it by Post to his usual Place of Abode.

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Lord Lieutenant may approve of such Recommendation, or refer it back to the Justices for Re-consideration.

V. The Lord Lieutenant may approve of such Recommendation, or refer it back to the Justices for Re-consideration; and thereupon the Justices shall, at some Petty Sessions of which Notice shall be served in manner aforesaid on each Justice in such District *Seven Days* at least beforehand, reconsider their said Recommendation, and may alter or amend it.

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On final Approval, Lord Liea-

VI. If the Lord Lieutenant shall finally approve of the Recommendation of the Justices, he shall, by Order under his Hand, direct that

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- that such Clerk shall be paid by Salary in lieu of Fees such annual Sum as shall have been finally fixed by such Justices, and approved by the Lord Lieutenant, and shall fix the Time from which such Salary is to commence, and the Days on which it is to be payable ;
- 5 and a Copy of every such Order shall be transmitted to such Justices and to the Secretary of the Grand Jury, and Notice thereof shall be published in the Dublin Gazette, and on such Publication the Provisions of this Act shall come into operation within such Petty Sessions District.
- 10 VII. The Salary of any Clerk under any such Order shall be the Remuneration for all Business which such Clerk may by reason of his Office be called upon to perform, save the making of Copies of Informations or Complaints, and no other Payment shall be made for any such Business except the Fee of *Sixpence* for any Copy of an
- 15 Information or Complaint.
- tenant shall make an Order accordingly.*
Order to be published in Dublin Gazette.
Salary to be Remuneration for Business performed save making Copies of Informations, &c.

- VIII. The Justices at Petty Sessions may at any Time re-consider the Salary appointed to be paid to the Clerk (Notice being given that a Motion will be made for such Purpose in the Manner hereinbefore provided), and may recommend to the Lord Lieutenant that
- 20 such Salary should be increased or diminished, and fixed at such Sum as to them shall seem proper ; and any such new Recommendation, and any Order of the Lord Lieutenant to be made thereon, shall be dealt with in the same Manner in all respects, and have the like Operation and Effect, as any original Recommendation under this Act,
- 25 and Order of the Lord Lieutenant thereon.
- Justices may from Time to Time vary the Amount of Salary, subject to the like Approval.*

- IX. The Salary of any Clerk under any such Order shall be payable by the County within which such Petty Sessions District is situate ; and the Grand Jury of every such County is hereby required and empowered, without Application at Presentment Sessions, from
- 30 Time to Time, at each Assizes, to make Presentment of the Sums payable in respect of such Salaries to be raised off the County at large ; and if the Grand Jury shall refuse or neglect to make such Presentment the Court or Judge shall order the Amount of such Salaries to be raised off such County, and such Order shall have the
- 35 Force of a Presentment, and the Amount therein specified shall be raised accordingly.
- Grand Jury to present Amount of Salaries.*

- X. When any such Order shall have been made, the Clerk shall, from the Period at which his Salary shall commence, cause all Fees received or receivable by him by virtue of his Office, save the Fee of
- 40 *Sixpence* for each Copy of an Information or Complaint, to be duly and regularly entered in One or more Books to be kept for that Purpose,
- Clerk shall account for Fees, and pay over Amount to Treasurer of County.*

pose, distinguishing the Fees received under their several Heads, and shall render a true and faithful Account in Writing to the Treasurer of the County of all such Fees, at such Times, and in such Form of Account, and with such Particulars of Receipt or otherwise, and accompanied by such Vouchers, as the Lord Lieutenant shall from 5 Time to Time think proper to direct; and the Treasurer shall audit such Account, and lay the same before the Grand Jury at each Assizes; and the said Clerk shall from Time to Time pay over the Amount of such Fees to the County Bank, to the Credit of the Treasurer, and to be applied in reduction of the Rates to be raised off the County at large, as the Grand Jury shall from Time to Time 10 direct.

When Salaries of Petty Sessions Clerks shall be paid.

XL. The Sum presented by the Grand Jury for the Salary of any Clerk shall be paid to him only when it shall appear to the Treasurer that the Clerk has duly accounted for all Fees received or which 15 ought to have been received by him for the Quarter next but One before the Quarter or Half Year or Year in respect to which such Presentment shall have been made.

Penalty on Petty Sessions Clerks receiving Gratuity.

XII. No Payment, Reward, Fee, or Gratuity, other than his 20 Salary, and the said Fee of *Sixpence* for every Copy of an Information or Complaint, shall be received by any such Petty Sessions Clerk in respect of any Business or Proceedings at Petty Sessions (other than the Fees he is required to account for under the Provisions of this Act), under Pain of Dismissal, and a Penalty of *Ten Pounds* for 25 every such Offence, to be recovered as in Cases of Summary Jurisdiction before the Justice or Justices at Petty Sessions.

When Justices remit Fees, an Entry thereof shall be made, and signed by such Justices.

XIII. Where any Justice or Justices at Petty Sessions shall remit any Fee, in whole or in part, under the Provisions of "The Petty Sessions Act (Ireland), 1851," such Justice or Justices shall cause an 30 Entry thereof to be made in the Petty Sessions Book, and of the Reason of the Remission, which Entry shall be signed by such Justice or Justices authorizing such Remission.

Declaration to be made by Clerk that Amount of Fees are correct.

XIV. Every Account to be rendered by any Clerk to the Treasurer 35 shall be verified by a Declaration in Writing under the Hand of such Clerk, made before a Justice, of the Truth and Accuracy of such Account; and any Petty Sessions Clerk who shall make such Declaration, knowing the said Account to be false in any Particular, shall be guilty of a Misdemeanor. 40

In default of paying over Sum received

XV. If Default shall at any Time be made by any such Clerk in paying over any Sum of Money due on such Accounts, it shall be lawful

lawful for the Treasurer to stay the Payment of any Salary due to such Clerk, or in case of his Death to his Executors or Administrators, and also to certify such Default to the Justice or Justices at such Petty Sessions, who shall thereupon issue the proper Warrant for the Levy of such Sum of Money as shall have been certified to be due by such Clerk by Distress and Sale of his Goods and Chattels, in his Hands, or in case of his Death in the Hands of his Executors or Administrators, and in default of Distress and Sale of Goods such Justice or Justices may commit such Clerk to Gaol, there to be imprisoned for any Period not exceeding *Three Months*, unless in the meantime the Amount so certified shall be paid; and the Certificate of such Treasurer shall be *prima facie* Evidence of such Default.

XVI. Whenever the Justices at Quarter Sessions shall deem it expedient that any Two or more of the Petty Sessions Districts into which any County or Riding is now or shall be hereafter divided should be consolidated, they shall proceed at the next Quarter Sessions which shall be held for such County or Riding, or at any Adjournment of the same for that Purpose, to consolidate such Two or more Petty Sessions Districts into One Petty Sessions District, and shall fix some One convenient Place within such District at which Petty Sessions shall be held for the same, and the Number of Times in each Week when Petty Sessions shall be regularly held in such District; but the Justices of such District may afterwards fix the particular Days in each Week upon which such Petty Sessions shall be held.

XVII. Whenever any such Petty Sessions Districts shall be consolidated, and the Place and Times fixed at which Petty Sessions shall be held therein, the Clerk of the Peace shall forthwith enter all Particulars as to the same in the Crown Book, and shall transmit a certified Copy of such Entries to the Secretary of the Grand Jury, to be laid before such Grand Jury at the then next ensuing Assizes (and in the County of Dublin at the then next ensuing Presenting Term), and the same shall be printed with the Presentments.

XVIII. It shall be lawful for the Justices of such Petty Sessions, so altered as aforesaid, to appoint some One fit Person to act as Clerk of such Petty Sessions, and to fix and appoint such annual Sum to be paid by way of Salary to such Clerk as they shall think fit, subject to the Approval of the Lord Lieutenant; and the Clerk so appointed shall perform the several Duties required to be performed by Clerks of Petty Sessions under the Provisions of the Petty Sessions (Ireland) Act, 1851, and this Act.

Clerk to enter into a fresh Recognizance.

XIX. When any Petty Sessions Clerk shall be paid by Salary instead of Fees, he shall, within such Time as shall be appointed by the Lord Lieutenant after the *Commencement of this Act*, enter into a fresh Recognizance before some Justice of the County, conditioned for the due Discharge of the several Duties required of him under the Provisions of "The Petty Sessions (Ireland) Act, 1851," and this Act, with One or more Sureties, and in such Amount as the Lord Lieutenant shall direct; and every such Recognizance shall be subject to the several Provisions relating to Recognizances contained in "The Petty Sessions (Ireland) Act, 1851," so far as the same are applicable, and as are not altered by this Act.

Lord Lieutenant to make general Regulations.

XX. The Lord Lieutenant may make such general Regulations as shall seem expedient for carrying into effect the Provisions of this Act, and for checking of the Accounts of such Petty Sessions Clerks.

Salary of Petty Sessions Clerk may be withheld in case of his not duly accounting for Fines, &c.

XXI. The Salary or Allowance payable to any Clerk of Petty Sessions may be at any Time withheld, on the Certificate of the Chief or Under Secretary that such Clerk has not duly accounted for the Fines for which he shall be required to account under the Provisions of the "Fines Act (Ireland), 1851."

Clerk liable to be dismissed in like Manner as before the passing of this Act.

XXII. Every Petty Sessions Clerk shall be liable to be dismissed from his Office in like Manner as he might have been dismissed therefrom before the passing of this Act, and nothing in this Act shall give him any greater or other Interest in the Tenure of his Office than he might have lawfully claimed if this Act had not passed.

Nothing herein to affect the Duties of Petty Sessions Clerks to account for Fines.

XXIII. Nothing in this Act shall extend to alter or affect the Duties and Liabilities of Clerks of Petty Sessions to make Entries and render Accounts of all such penal Sums as shall be ordered to be paid at Petty Sessions under the Provisions of the "Fines Act (Ireland), 1851."

"Petty Sessions (Ireland) Act, 1851," incorporated with this Act.

XXIV. All the Provisions of the "Petty Sessions (Ireland) Act, 1851," shall, subject to the Provisions herein contained, extend to and be taken as Part of this Act, except so far as the same are inconsistent therewith.

Act to extend to Ireland only.

XXV. This Act shall extend to Ireland only.

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To authorize the Payment of Clerks of
Petty Sessions in Ireland by Salaries
instead of Fees, and to amend "The
Petty Sessions (Ireland) Act, 1881."

*(Proposed and brought in by
Mr. Bouverie and Mr. Attorney General for
Ireland.)*

*Ordered by The House of Commons, to be Printed
17 February 1882*

[Sd 11.]

Under 1 ss.